

**UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF TENNESSEE**

ERIN KNIGHTS and TRESCA PRATER,
individually and as representatives of the class,

Civil Action No. 3:14-cv-00720

District Judge: Hon. Todd J. Campbell
Magistrate Judge: Hon. Juliet Griffin

Plaintiffs,

v.

PUBLIX SUPER MARKETS, INC.

**ORDER
PRELIMINARILY APPROVING
SETTLEMENT**

Defendant.

Based on the parties' Joint Motion for Preliminary Approval of the Proposed Settlement and good cause shown therein, IT IS HEREBY ORDERED:

1. Preliminary Approval Of Proposed Settlement. The Agreement, including all exhibits thereto, is preliminarily approved as fair, reasonable and adequate and within the range of reasonableness for preliminary settlement approval. The Court finds that: (a) the Agreement resulted from extensive arm's length negotiations; and (b) the Agreement is sufficient to warrant notice of the Settlement to persons in the Settlement Class and a full hearing on the approval of the Settlement;

2. Class Certification For Settlement Purposes Only. Pursuant to Federal Rule of Civil Procedure 23(c), the Court conditionally certifies, for settlement purposes only, the following Settlement Class:

All persons who applied at any Publix retail store and whose application included a liability release regarding consumer reports in electronic or written form and on whom Publix procured a background check for employment purposes at any time from March 12, 2012 through May 13, 2014.

In connection with this conditional certification, the Court makes the following preliminary findings for settlement purposes only:

- (a) The Settlement Class appears to be so numerous that joinder of all members is impracticable;
- (b) There appear to be questions of law or fact common to the Settlement Class for purposes of determining whether this Settlement should be approved;
- (c) Plaintiff's claims appear to be typical of the claims being resolved through the proposed settlement;
- (d) Plaintiff appears to be capable of fairly and adequately protecting the interests of the Settlement Class Members in connection with the proposed settlement;
- (e) Common questions of law and fact appear to predominate over questions affecting only individual persons in the Settlement Class. Accordingly, the Settlement Class appears to be sufficiently cohesive to warrant settlement by representation; and
- (f) Certification of the Settlement Class appears to be superior to other available methods for the fair and efficient resolution of the claims of the Settlement Class.

3. Class Counsel. Nichols Kaster, PLLP, Hardin & Hughes, LLP, Fried & Bonder, LLC and the Law Office of Doug B. Janney are hereby APPOINTED as Class Counsel;

4. Class Representative. Plaintiffs Erin Knights and Tresca Prater are hereby APPOINTED Class Representatives;

5. Class Notice. The parties' Class Notice is APPROVED for distribution in accordance with the schedule included in the Settlement Agreement;

6. Opt-Outs and Objections. Class Members shall have the right to either opt-out or object to this settlement pursuant to the procedures and scheduled included in the Settlement Agreement; and

7. Final Approval Hearing. A Final Approval Hearing is set for Nov. 10, 2014 at 2:00 p.m. in Courtroom 874.

Dated:

Todd Campbell
Hon. Todd J. Campbell
United States District Judge